

## **Employers need to take care, claims for workplace injuries can be repudiated if alcohol-related**



In South Africa at least 60% of road deaths are attributable to alcohol consumption according to a recent World Health Organisation Global Status Report on Road Safety. Furthermore, alcohol abuse has been shown to increase a person's risk of early death due to conditions such as heart or liver disease and disability. Thus, it's no surprise that medical aid and insurance providers generally reject claims for accidents that are alcohol-related, both in the workplace and on the road. This makes it important for employers to ensure that they're providing a safe working environment by taking all measures necessary to prevent employee accidents that are caused by alcohol consumption.

### **The danger of alcohol in the workplace**

Employees that report for duty under the influence of alcohol present a real danger to themselves, their colleagues and their employer. The use of alcohol affects sight, speech, coordination and reaction speed, which is extremely hazardous when that person is working with machinery or driving a vehicle. According to the South African Labour Guide, 20% to 25% of injuries in the workplace involved employees under the influence of alcohol.

### **Medical aid and insurance claims: the implications of alcohol induced-injuries**

Who pays for medical expenses incurred where an individual is injured on the job? Ordinarily these costs would be covered by the Compensation Fund or the employer's insurance if the injury occurred during the scope and course of the individual's job. However, an employee can be disqualified from claiming benefits where drugs or alcohol are the primary cause of the incident. This means that employees could be in a position where their injuries are not covered, preventing them from getting the treatment they

require to return to work or place them in financial troubles. This in turn will impact their productivity and have a detrimental effect on the business.

Similarly, where an individual is involved in a road accident and tests positive for alcohol levels above the legal limit, most vehicle insurance providers will not pay their claim. Standard policy wording allows for a claim to be repudiated if the driver is “under the influence or exceeds the legal limit”. A big mistake that people make is thinking that the insurance provider requires a breathalyser test or blood result to prove that they were driving under the influence. A number of considerations can be used to deduce that the individual was drinking, including the person’s demeanour at the time of the accident, whether they smelled of alcohol, the circumstances of the accident, where the person was before the accident and any reports of witnesses who may have seen the person drinking alcohol before the accident took place.

### **Ensuring a safe working environment**

Without an enforceable alcohol policy that allows businesses to regularly check on employee sobriety, organisations open themselves up to risk. The workplace can play an important role in preventing alcohol and substance abuse if employers implement appropriate measures to prevent, reduce and remedy alcohol and drug related problems in the workplace. This starts with having a written policy on alcohol and drug abuse that details the company’s approach to keeping alcohol out of the workplace. To prevent intoxicated employees from entering the workplace in hazardous industries, organisations must conduct regular testing by means of breathalysers for alcohol or saliva testing for chemical substances. ALCO-Safe for example, is a major supplier of breathalysing and drug testing equipment providing organisations easy access to the equipment they need in order to reduce alcohol related injuries that can lead to claim. In doing so, the organisation can protect its workers and minimise the chances of having a legitimate injury claim repudiated because it is alcohol-related.